

REMARKS

The present amendment is submitted in response to the Office Action dated December 13, 2004, which set a three-month period for response, making this amendment due by March 13, 2005.

Claims 1, 3, 5-7, and 9-10 are pending in this application.

In the Office Action, claim 8 was rejected under 35 U.S.C. 101 on grounds the claimed invention is directed to non-statutory subject matter. Claims 1-3 and 5-10 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,684,151 B1 to Ring.

The Applicant notes with appreciation the allowance of claim 4, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In the present amendment, claim 1 has been amended to add the features of allowed claim 4 and intervening claim 2, both of which were canceled.

Claim 8 also was canceled.

Claims 9 and 10 have been amended to include the further method steps of allowable claim 4, as well as the features of claim 2, so that claims 9 and 10 also are allowable over the cited art.

The Applicant respectfully submits that claim 7 also is patentable over the cited reference, and therefore, has been rewritten in independent form.

The cited patent to Ring relates to the calculation of a modeled combustion chamber pressure starting from a starting value at the beginning of

the compression phase. Ring discloses "measured pressure values" and "computed pressure values". The calculating process for calculating the "computed pressure values" is a known derivative of thermodynamics.

Claim 7, now presented in independent form, relates to the calculation of a parameter, the "heat quantity" from the measured combustion chamber pressure and the comparison with a collateral parameter for this operating point of the engine for the "heat quantity". Ring shows only the sensing and calculation of the combustion chamber pressure itself and NOT the sensing and calculation of a "heat quantity".

The Applicant furthermore does not recognize where the inherent disclosure of a "vibe function" of claim 7 can be found in the Ring patent.

Because Ring fails to disclose these features of claim 7, as amended, claim 7 also should be allowable under Section 102. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984).

For the reasons set forth above, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 102 and submits that claims 1, 3, 5-7, and 9-10 now stand in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss

appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700